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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,454	04/12/2004	Ercz Haba	MSFTP641US	2824
27195 7590 05/15/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER WANG, BEN C	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/822,454	Applicant(s) HABA ET AL.	
	Examiner Ben C. Wang	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/07/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 are pending in this application and presented for examination.

Drawing Objections

2. The drawing is objected to because the following informalities:
 - “TEST VERSION COMPONET”, cited in Fig. 2a, element 220, should be corrected as “TEST VARIATIONS COMPONENT”

Appropriate correction is required.

Specification Objections

3. The specification is objected to because the following informalities:
 - “Mercury TestDirector”, “IBM Rational TestManager”, “NUnit”, “.Net”, “JUnit”, “Java”, cited on P. 3, Lines 5-6, 12, are registered trademarks
 - “SQL Server”, cited on P. 8, Line 21, is registered trademark
 - “The test catalog 420”, cited on P. 10, Line 16, “test catalog 416”, cited on P. 10, Lines 20-21, “test catalog 420”, cited on P. 10, Line 22, should all be corrected as “test catalog 210” respectively
 - “determined whether a test tests a the current version of code”, cited on P. 11, Line 21, should be corrected as “determined whether a test tests a current version of code”

Appropriate correction is required.

Claim Rejections – 35 USC § 102(e)

The following is quotation of 35 U.S.C. 102(e) which form the basis for all obviousness rejections set forth in this office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 and 14-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Mandava et al., (Pat. No. US 7,210,066 B2) (hereinafter 'Mandava-1')

5. **As to claim 1** (original), Mandava-1 discloses an application test management system comprising: a version component (Col. 8, Lines 18-24, 27-32 – the spec element requires the identification, name, version, define to describe the specification document, 41-43 – version element is configured to describe the version of the specification document; Fig. 2, element 202 – assertion coverage tool; Fig. 6, step 606; Col. 19, Lines 39-42) that monitors source under test components (Fig. 1A; Fig. 1B-1; Fig. 2, element 200 – assertion document; Fig. 6, step 602) and test components (Fig. 2, element of 210 – static XML file; Fig. 6, step 604) for changes; and a test case file component that includes versioning metadata associated with test case and source under test components received from the version component and attributes necessary for query and test management (Fig. 2, element 204 – XSLT

Art Unit: 2192

Interface; Col. 26, Lines 9-17 – data associated with each and every assertion in each specification can be correlated with data in the applicable static XML file; Fig. 6, step 608).

6. **As to claim 14** (original), Mandava-1 discloses a test management system comprising: a means for maintaining fine-grained track of a test's relation to a version of software under test (Fig. 2, element 204 – XSLT Interface; Col. 26, Lines 9-17 – data associated with each and every assertion in each specification can be correlated with data in the applicable static XML file; Fig. 6, step 608); and a means for querying test data to facilitate generation of test management reports (Fig. 3G; Col. 27, Lines 38-50).

7. **As to claim 17** (original), Mandava-1 discloses a test management methodology comprising: retrieving metadata regarding test version information in relation to software under test (Fig. 2, element 204 – XSLT Interface; Col. 26, Lines 9-17 – data associated with each and every assertion in each specification can be correlated with data in the applicable static XML file; Fig. 6, step 608); and persisting the metadata to a markup language file versioned with test assets (Fig. 2, element of 210 – static XML file; Fig. 6, step 604) and source code (Fig. 1A; Fig. 1B-1; Fig. 2, element 200 – assertion document; Fig. 6, step 602).

8. **As to claim 2** (original) (incorporating the rejection in claim 1), Mandava-1 discloses the system wherein the test case file component includes a pointer to the source under test (Abstract, Lines 10-15 – the method is correlating each of

the tagged assertions in the assertion document with the test cases in the static file so as to determine test coverage of the specification; Col. 1, Line 65 through Col. 2, Lines 7, 16-28).

9. **As to claim 3** (original) (incorporating the rejection in claim 1), Mandava-1 discloses the system wherein the test case file component includes a pointer to requirement for test data (Abstract, Lines 10-15 – the method is correlating each of the tagged assertions in the assertion document with the test cases in the static file so as to determine test coverage of the specification; Col. 1, Line 65 through Col. 2, Lines 7, 16-28; Fig. 5, step 506; Col. 28, Lines 20-24 – each assertion in the assertion document is correlated with a test case in the test suite).

10. **As to claim 4** (original) (incorporating the rejection in claim 1), Mandava-1 discloses the system wherein the test case file component includes a pointer to requirement and/or configuration under test data (Abstract, Lines 10-15 – the method is correlating each of the tagged assertions in the assertion document with the test cases in the static file so as to determine test coverage of the specification; Col. 1, Line 65 through Col. 2, Lines 7, 16-28; Fig. 5, step 506; Col. 28, Lines 20-24 – each assertion in the assertion document is correlated with a test case in the test suite).

11. **As to claim 5** (original) (incorporating the rejection in claim 1), Mandava-1 discloses the system wherein the test case file component includes a pointer to a test case component (Fig. 3E-1; Fig. 3E-2; Col. 26, Line 61 through Col. 27, Line 4)

12. **As to claim 6** (original) (incorporating the rejection in claim 1), Mandava-1 discloses the system wherein the test case file component is loaded into memory or treated as a database to facilitate management operations including at least one of query, reporting, suite composition and scheduling (Fig. 2, elements 204 – XSLT Interface, 206 – Users; Fig. 3A, elements 204, 206; Col. 25, Lines 32-34; Col. 26, 8-17; Fig. 3G; Col. 27, Lines 38-50).

13. **As to claim 7** (original) (incorporating the rejection in claim 1), Mandava-1 discloses the system wherein the test case file component is an XML document (Fig. 5, step 504 – read a static XML file for a test suite; Fig. 6, steps 604-608).

14. **As to claim 8** (currently amended) (incorporating the rejection in claim 7), Mandava-1 discloses the system wherein the XSLT is employed to facilitate management operations including at least one of selection, query, reporting, suite composition, and scheduling (Fig. 2, element 204 – XSLT Interface; Col. 25, Lines 32-34 – users can query the assertion coverage tool using an XSLT interface; Col. 26, Lines 8-17; Fig. 3A, element 204 – XSLT Interface).

15. **As to claim 9** (original) (incorporating the rejection in claim 1), Mandava-1 discloses the system wherein the test case file component is located in the source file under test (Abstract, Lines 10-15 – the method is correlating each of the tagged assertions in the assertion document with the test cases in the static file so as to determine test coverage of the specification; Col. 1, Line 65 through Col. 2, Lines 7, 16-28).

16. **As to claim 10** (original) (incorporating the rejection in claim 9), Mandava-1 discloses the system wherein the test case file component is loaded into a test catalog (Fig. 3F-1; Fig. 3F-2; Col. 27, Lines 5-37).

17. **As to claim 11** (original) (incorporating the rejection in claim 8), Mandava-1 discloses the system wherein the test case component specified in the test case file component is loaded into the test catalog (Fig. 3F-1; Fig. 3F-2; Col. 27, Lines 5-37).

18. **As to claim 15** (original) (incorporating the rejection in claim 14), Mandava-1 discloses the system wherein the means for maintaining fine-grained track of a test's relation to a version of software under test includes persisting software version information and related test information to an XML file (Fig. 2, element 204 – XSLT Interface; Col. 26, Lines 9-17 – data associated with each and every assertion in each specification can be correlated with data in the applicable static XML file; Fig. 6, step 608)

19. **As to claim 16** (original) (incorporating the rejection in claim 15),
Mandava-1 discloses the system wherein the XML file is transformed utilizing XSLT to enable test data to be queried (Fig. 2, element 204 – XSLT Interface; Col. 26, Lines 9-17 – data associated with each and every assertion in each specification can be correlated with data in the applicable static XML file; Fig. 6, step 608)

20. **As to claim 18** (original) (incorporating the rejection in claim 17),
Mandava-1 discloses the method wherein version information is retrieved from a version component that monitors changes to source code versions (Col. 8, Lines 18-24, 27-32 – the spec element requires the identification, name, version, define to describe the specification document, 41-43 – version element is configured to describe the version of the specification document; Fig. 2, element 202 – assertion coverage tool; Fig. 6, step 606; Col. 19, Lines 39-42)

21. **As to claim 19** (original) (incorporating the rejection in claim 17),
Mandava-1 discloses the method wherein the file is an XML file (Col. 4, Lines 26-40; Fig. 3A, elements 210a – Static XML File, 210b – Static XML File; Fig. 5, step 504 – read a static XML file for a test suit; Fig. 6, steps 604-608)

22. **As to claim 20** (original) (incorporating the rejection in claim 19),
Mandava-1 discloses the method wherein the file comprises a pointer to at least

one of a source under test, requirement under test, and configuration under test (Abstract, Lines 10-15 – the method is correlating each of the tagged assertions in the assertion document with the test cases in the static file so as to determine test coverage of the specification; Col. 1, Line 65 through Col. 2, Lines 7, 16-28; Fig. 5, step 506; Col. 28, Lines 20-24 – each assertion in the assertion document is correlated with a test case in the test suite).

23. **As to claim 21** (original) (incorporating the rejection in claim 19), Mandava-1 discloses the method further comprising transforming the XML file utilizing XSLT to enable management operations to be performed on the data including at least one of selection, query, reporting, suit composition, and scheduling (Fig. 2, element 204 – XSLT Interface; Col. 25, Lines 32-34 – users can query the assertion coverage tool using an XSLT interface; Col. 26, Lines 8-17; Fig. 3A, element 204 – XSLT Interface).

24. **As to claim 22** (original) (incorporating the rejection in claim 17), Mandava-1 discloses a computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 17 (Col. 31, Line 1 through Col. 32, Line 22)

25. Claims 23-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Mandava et al., (Pat. No. US 7,203,928 B2) (hereinafter 'Mandava-2')

26. **As to claim 23** (original), Mandava-2 discloses a testing methodology comprising: loading a test case (Fig. 1, elements 104a - 104n; Col. 7, Lines 51-64) in accordance with a test case file stored in a source file; executing the test case (Fig. 1, element 102 – target application; Col. 7, Lines 51-53 – a plurality of applications 104a – 104n for execution by a target application) on a source under test; and generating test results (Fig. 1, element 114 – dynamic XML file), wherein the test results are version tagged (Col. 9, Lines 1-6; TABLE 1, items #3, #4, #5, #6, #7, and #8).

27. **As to claim 24** (original) (incorporating the rejection in claim 23), Mandava-2 discloses the method further comprising saving test results to an XML file (Fig. 1, elements 114 – Dynamic XML File, 118 – Dynamic XML Results File; Fig. 2A, elements 114 – Dynamic XML File, 116 – Dynamic XML Results File; Fig. 4, elements 114”a – 114”c, 118” – Merged Dynamic XML Results File).

28. **As to claim 25** (original) (incorporating the rejection in claim 23), Mandava-2 discloses the method further comprising publishing the test results to an enterprise data store (Fig. 4, elements 124 – Report Tool, 126 – DB).

29. **As to claim 26** (original) (incorporating the rejection in claim 23), Mandava-2 discloses the method wherein the version tags indicate the version of the source under test and the version of the test (Col. 2, Lines 36-46 – matching

Art Unit: 2192

each test case in the dynamic file with a corresponding test case in the static file...; Fig. 3E; Col. 18, Lines 43-53; Fig. 9; Col. 20, Lines 18-27).

30. **As to claim 27** (original) (incorporating the rejection in claim 23), Mandava-2 discloses a computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 23 (Col. 21, Line 45 through Col. 24, Line 13).

Claim Rejections – 35 USC § 103(a)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandava-1 in view of Mandava-2.

32. **As to claim 12** (original) (incorporating the rejection in claim 11), Mandava-1 does not explicitly disclose the system wherein a test execution component executes the test case on the software under test and generates test results.

However, in an analogous art of method and system for generating and maintaining uniform test results, Mandava-2 discloses the system wherein a test

execution component executes the test case on the software under test and generates test results ((Fig. 1, element 102 – target application; Col. 7, Lines 51-53 – a plurality of applications 104a – 104n for execution by a target application; Fig. 1, element 114 – dynamic XML file).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Mandava-2 into the Mandava-1's system to further provide the system wherein a test execution component executes the test case on the software under test and generates test results in Mandava-1 system.

The motivation is that it would further enhance Mandava-1 system by taking, advancing and/or incorporating Mandava-2's system which offers significant advantages to provide a flexible methodology and system for collecting and maintaining consistent test results generated as a result of a software application execution as once suggested by Mandava-2 (i.e. Col. 1, Lines 44-57).

33. **As to claim 13** (original) (incorporating the rejection in claim 12), Mandava-2 discloses the system wherein the test results are tagged with the test case component and source under test component versions for historical and/or trend analysis (Col. 2, Lines 36-46 – matching each test case in the dynamic file with a corresponding test case in the static file...; Fig. 3E; Col. 18, Lines 43-53; Fig. 9; Col. 20, Lines 18-27).

Conclusion


34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- D. Anderson, System and Method for Software Testing with Extensible Markup Language and Extensible Stylesheet Language (Pat. No. US 7,127,641 B1)
- Fox et al., Run-time Architecture for Enterprise Integration with Transformation Generation (Pat. No. US 7,146,399 B2)
- J. Arcand, Methods and Processes for Validating Reports (Pub. No. US 2004/0128653 A1)


35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben C. Wang whose telephone number is 571-270-1240. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TUAN DAM
SUPERVISORY PATENT EXAMINER

BCW 

May 7, 2007